

ELECTRICIANS' EXAMINING BOARD MEETING MINUTES

Meeting Date: November 21, 2014
Meeting Location: Central Conference Room, State of Maine – Gardiner Annex
Northern Avenue, Gardiner, Maine

Meeting Began: 8:15 a.m.

Roll Call of Officers:

The following members were present:

Brian McDougal
Gerard Caron
Don Berry
Peter Wilson

The following members were absent:

Earl Sherwood
Ryan Morgan

Staff Present:

Raymond Stanford, Electrical Inspector
Kern Butler, Electrical Inspector
Robert LeClair, Actin Senior Electrical Inspector
Dora Hickey, Board Clerk

AAG Present:

Christopher Mann

Board Meeting Minutes

A motion was made to accept the September 19, 2014 Board minutes, as written.

Motion: Gerard Caron
Second: Peter Wilson
Unanimous

Adjudicatory Hearing – #2014-ELE-10233 Michael S. Bedell

The hearing commenced at 9:00 a.m. and closed for deliberation at 11:30 a.m. Mr. Bedell was present and not represented by counsel.

The Board first determined if the alleged violation was committed, and then determined if sanctions were warranted.

A motion was made to find violation #1 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #2 as having been proven.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made to find violation #3, after further review, as not having a violation.

A motion was made to find violation #4 as not having been proven.

Motion: Don Berry
Second: Peter Wilson
Unanimous

A motion was made to find violation #5 as having been proven.

Motion: Don Berry
Second: Gerard Caron

A discussion was initiated by Board member Peter Wilson concerning if the installation was done by Mr. Bedell. During the hearing Mr. Bedell had stated this installation was not done by him.

Has been proven: Don Berry, Gerard Caron
Has not been proven: Peter Wilson, Brian McDougal
Does Not Carry

An explanation was given to the Board members by the hearing officer Mark Terison that a motion does not carry with being a tie vote.

A motion was made to find violation #6 as not having been proven.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made to find violation #7 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #8 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #9 as not having been proven.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made to find violation #10 as having been proven.

Motion: Gerard Caron
Second: Don Berry
Unanimous

A motion was made to find violation #11 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #12 as having been proven.

Motion: Don Berry
Second: Gerard Caron
Unanimous

A motion was made to find violation #13 as not having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #14 as having been proven.

Motion: Don Berry
Second: Gerard Caron
Unanimous

A motion was made to find violation #15 as having been proven.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made to find violation #16 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #17 as having been proven.

Motion: Gerard Caron
Second: Don Berry
Unanimous

A motion was made to find violation #18 as having been proven.

Motion: Don Berry
Second: Peter Wilson
Unanimous

A motion was made to find violation #19 as having been proven.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made to find violation #20 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #21 as having been proven.

Motion: Don Berry
Second: Gerard Caron
Unanimous

A motion was made to find violation #22 as having been proven.

Motion: Don Berry
Second: Gerard Caron
Unanimous

A motion was made to find violation #23 as having been proven.

Motion: Don Berry
Second: Gerard Caron
Unanimous

A motion was made to find violation #24 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #25 as having been proven.

Motion: Don Berry

Second: Peter Wilson
Unanimous

A motion was made to find violation #26 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #27 as having been proven.

Motion: Don Berry
Second: Peter Wilson
Unanimous

A motion was made to find violation #28 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #29 as having been proven.

Motion: Don Berry
Second: Gerard Caron
Unanimous

In view of evidence presented, and violations found, motions from the Board for penalties and sanctions were as followed:

A motion was made to assess a monetary fee of \$1,000.00 for violation #1 – no permit(s) submitted for the electrical work.

Motion: Peter Wilson
Second: Don Berry
Unanimous

No sanctions/fees were administered for violations #2 thru #10.

A motion was made to assess a monetary fee of \$250.00 for violation 11 – some conduit and cable run was not installed in a neat and workmanlike manner.

Motion: Gerard Caron
Second: Peter Wilson
Unanimous

No sanctions/fees were administered for violations #12 thru #24.

A motion was made, due to the seriousness of the violations, to collectively assess a monetary fee of \$500.00 for violations #25 thru #28. The total fine assessed for violation #25, #26, #27 and #28 is \$2,000.00.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

No monetary fees were administered for violation #29. Sanctions were made for the licensee, Michael Bedell, to attend a live 45-hour 2014 NEC presentation.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made for the licensee to pay all monetary fees assessed (totaling \$3,250.00) and to complete a live 45-hour 2014 NEC within 6 months of signing the decision and order.

Motion: Peter Wilson
Second: Don Berry
Unanimous

Adjudicatory Hearings – Reinstatements

Phillip F. Zampitella #2014-ELE-10583 - Master License Re-instatement - Expired 9/30/2011

Phillip F. Zampitella did not show up for the hearing.

David G. Reed #2014-ELE-10551 - Journeyman License Re-instatement - Expired 4/30/2010

David G. Reed was present and not represented by counsel. Mr. Reed stated he forgot to renew his journeyman license. At this time he would like to reinstate his journeyman license.

A motion was made to reinstate David G. Reed's electrician license pursuant to Board policy which includes reinstatement fees and completing a 45-hour 2014 NEC within six months.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

Alfred O. Ohlson, II #2014-ELE-10612 - Master License Re-instatement - Expired 05/31/2012

Alfred O. Ohlson, II was present and not represented by counsel. Mr. Ohlson stated he did not renew his master license due to not working in Maine. Mr. Ohlson would like to have his master electrician's license reinstated.

A motion was made to reinstate Alfred O. Ohlson's master electrician license pursuant to Board policy which includes reinstatement fees and the completion of a 15-hour 2014 NEC within six months.

Motion: Don Berry
Second: Gerard Caron
Unanimous

**Edward J. LaPointe, Jr, #2014-ELE-10641 - Master License Re-instatement - Expired
07/31/2008**

Edward J. LaPointe was present and not represented by counsel. Mr. LaPointe stated he was not doing electrical installations at the time of his master license expired. At this time he would like to reinstate his master license.

A motion was made to reinstate Edward J. LaPointe, Jr.'s master electrician license pursuant to Board policy which includes reinstatement fees and completing a 45-hour 2014 NEC within six months.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

**Don R. Sajecki – 2014-ELE-10188 - Journeyman License Re-instatement - Expired
8/31/2009**

Don R. Sajecki was not present for the scheduled reinstatement hearing. As Mr. Sajecki has not appeared before the Board for the last 3 scheduled Board meetings, the Board Chair, Brian McDougal recommended that Mr. Sajecki's reinstatement application be abandoned. Mr. Sejecki can re-apply for reinstatement of his journeymen license at a future date when he is able to attend a scheduled Board meeting.

A motion was made to abandon Don. R. Sajecki's journeyman reinstatement application.

Motion: Gerard Caron
Second: Don Berry
Unanimous

Code Course Review

@ Home Prep – A Division of Stautzenberger College – 15-Hour 2014 NEC Update

A conference call was made to Josh Purvis, the representative of @ Home Prep. Mr. Purvis requested to speak with the Board to discuss the denial, on September 19, 2014, of @ Home Prep to be an approved provider for the 15-Hour 2014 NEC Update.

Brian McDougal, Board Chair, stated that access to @ Home Prep website was not available for course curriculum review. Mr. Purvis will provide access to the website so that the application/test site can be reviewed again by the Board.

The Board will further discuss the changes in the 2014 15-hour NEC vs. a code refresher at the next Board meeting.

Acting Senior Inspector's Report

Acting Senior Electrical Inspector, Robert LeClair, introduced Raymond Stanford as the new Senior Electrical Inspector with a starting date of November 24, 2014. Ray has vast experience in the electrical field.

Robert LeClair, acting senior electrical inspector, discussed with the Board issues with the PUC and CMP.

A motion was made to acknowledge that a Maine electrician license is required to work on non-utility-owned street lighting.

Motion: Gerard Caron
Second: Don Berry
Unanimous

MOU – Discussion was initiated by Robert LeClair regarding the installation of receptacles being installed by a licensed fuel technician. The Board's concern is whether the licensed fuel technician should be allowed to install the receptacle for a plug in appliance. It was stated, by the Board members, that the receptacle would need to be a single receptacle and be on a designated circuit. The discussion will resume at the January 16, 2015 Board meeting.

Administrator's Report

Nothing to report.

#2014-ELE-10200

Assistant Attorney General, Christopher Mann, presented complaint #2014-ELE-10200 to the Board. The Board suggested additional language be added to the consent agreement stating the licensee is to report all jobs performed within the next year to Senior Electrical Inspector, Raymond Stanford

A motion was made to have Chris Mann amend the original consent agreement to have the licensee report any jobs performed, within the next year, to Raymond Stanford, Senior Electrical Inspector.

Motion: Gerard Caron
Second: Don Berry
Unanimous

#2014-ELE-10200

Assistant Attorney General, Christopher Mann, presented complaint #2014-ELE-10140 to the Board. The Board suggested that additional language be added to the consent agreement which would include a timeline to correct the cited violation.

A motion was made to table action on modifying the consent agreement. Christopher Mann is to contact the respondent regarding modification to the consent agreement. The amendment(s) are to reflect a specific timeline to correct the cited violations.

Motion: Earl Sherwood
Second: Gerard Caron
Unanimous

#2014-ELE-10140

Assistant Attorney General, Christopher Mann, advised the Board that the violations listed were to assess a monetary fee of \$150 per violation totaling \$3,150.00. The Board suggested that additional language be added to the consent agreement which would include a live 45-hour current course to be completed. The licensee will also be notified by Mr. Mann, to show proof of completing the past two 15-hour NEC updates which are to include the 2008 and 2011 15-hour updates.

A motion was made to table 2014-ELE-10140 and have Mr. Mann contact the licensee requesting proof of completing of both the 2008 and 2011 15-hour updates. Complaint 2014-ELE-10140 will be revisited at the January 16, 2015 board meeting, pending the completion of the additional requests made by the Board.

Motion: Gerard Caron
Second: Don Berry
Unanimous

Other Business

Keith Hillock – Decision and Order (follow-up)

Assistant Attorney General, Christopher Mann, reviewed Mr. Hillock's file with confirmation that Mr. Hillock is to complete the 2014 45-hour NEC as stated in his Decision and Order.

Reciprocity - The Commonwealth of Massachusetts – Board member Gerard Caron asked if follow-up has ever been submitted to the Massachusetts Board regarding reciprocity. The Massachusetts Board did not reply to the Board's letter requesting the possibility of initiating a reciprocity agreement. Brian McDougal, Board Chair will submit a certified letter to the Massachusetts Board requesting further discussion on a reciprocity agreement between the two states.

Motion: Gerard Caron
Second: Don Berry
Unanimous

Adjournment

A motion was made to adjourn the meeting at 3:00 a.m.

Motion: Gerard Caron

Second: Don Berry

Unanimous

Respectfully submitted,

Dora Hickey, Board Clerk